

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISCOVER FINANCIAL SERVICES, INC., No. C-07-80096 MISC PJH (EMC)

Plaintiff,

v.

VISA U.S.A., INC., *et al.*,

Defendants.

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO FILE UNDER SEAL**

Plaintiff has filed a motion to compel compliance with a subpoena duces tecum by nonparty Edgar, Dunn & Company ("EDC"). Plaintiff asks that the entire motion be filed under seal. Plaintiff further asks that the Nyhan declaration in support, and all exhibits attached thereto, be filed under seal. According to Plaintiff, the motion, declaration, and exhibits should be filed under seal because they contain information designated confidential by Defendant MasterCard.

Pursuant to Civil Local Rule 79-5, EDC submitted a declaration in support of its contention that certain information contained in the motion, declaration, and exhibits is confidential. The Court has reviewed all papers submitted and hereby **GRANTS** in part and **DENIES** in part the request to file under seal.

The Court orders the Clerk of the Court to file under seal the documents submitted by Plaintiff -- *i.e.*, both the motion and the Nyhan declaration and exhibits attached thereto. However, because not all information contained in the motion and exhibits is confidential, the Court orders Plaintiff to publicly file (1) a redacted version of the motion and (2) all exhibits attached to the

Nyhan declaration except for Exhibits 16, 18, 19, and 20.¹ The filing shall be completed within a week of the issuance of this order.

IT IS SO ORDERED.

Dated: April 13, 2007



EDWARD M. CHEN
United States Magistrate Judge

¹ Plaintiff has already publicly filed a revised Exhibit 2. See Docket No. 9.